

HOUSE
STUDY

GROUP bill analysis

4/3/85

HB 642
Hammond

SUBJECT: Eligibility to serve as a public defender

COMMITTEE: Judiciary: favorable, without amendment

VOTE: 8 ayes--Bush, Hury, Adkisson, Dutton, Hackney,
Hilbert, Perez, Russell

0 nays

1 absent---Toomey

WITNESSES: For--Nancy Judy, Dallas County commissioners
court; Craig Pardue, Dallas County commissioners court;
Valinda Hathcox, Texas Association of Counties

Against--None

DIGEST: HB 642 would amend VACS art. 341-2, which
authorizes counties with at least four county courts
and four district courts to have public defenders. It
would reduce the required number of years of prior law
practice for such public defenders from three years to
one.

SUPPORTERS
SAY: The public defender's office in Dallas
County has proven to be very successful in its first
nine months of operation. However, the three-year
experience requirement has caused recruitment and
turnover problems in the office. Many lawyers in
Dallas County with three years of experience are locked
into career jobs and are not interested in the
public-defender job. This change would enhance
public-defender recruitment efforts, make
public-defender jobs more accessible to women and
minorities, and provide excellent experience for young
lawyers. Although it is true that this bill will let
less-experienced attorneys be hired, they will still
have to meet a higher standard than those hired by the
district attorney's office, who are not required to
have any prior legal experience.

OPPONENTS
SAY: Lowering the prior-practice requirement
from three years to one year for public defenders
could lower the quality of legal services provided to
indigent defendants by the public defender's office.
There has been a glut of young lawyers in Texas for
some years now, so it should be possible to recruit
adequately without reducing standards.

NOTES: This bill would affect Bexar, Dallas, El Paso, Harris, and Travis counties. Tarrant County's public defender's office is governed by a separate statute (VACS art. 341-1).